

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

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In re:	:	
HERMITAGE INN REAL ESTATE	:	Chapter 7
HOLDING COMPANY, LLC.	:	Involuntary Case No. 19-10214
Putative Debtor.	:	
	:	

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**PETITIONING CREDITORS' STATEMENT OF NO OBJECTION TO BERKSHIRE  
BANK'S EMERGENCY MOTION UNDER 11 USC § 303(f) TO KEEP STATE COURT  
APPOINTED RECEIVER IN PLACE OR ALTERNATIVELY TO APPOINT INTERIM  
TRUSTEE**

Petitioning Creditors Lakeland Bank, Dan Solaz, and Bobbi Resek ("Petitioning Creditors"), through their undersigned counsel Jess T. Schwidde, Esq., Glinka & Schwidde, and pursuant to the Court's Order of May 24, 2019, Doc. # 9 hereby submit Petitioning Creditors' response to the Emergency Motion filed by Berkshire Bank as Doc. # 7:

1. Since a state court appointed receiver was in place at the time of the filing of the Petition on May 22, 2019 ("Petition Date"), subject to reservation of all legal and equitable rights, and without limitation whatsoever of the Petitioning Creditors, Petitioning Creditors have no objection to the Court entering an Order to maintain the status quo as of the Petition Date with respect to custody and control of the Debtor's assets, in the form the Court deems appropriate and advisable to preserve the rights of the bankruptcy estate, its creditors, chapter 7 trustee, and office of the U.S. Trustee, to remain in effect until the Involuntary Petition is adjudicated.

2. As the status quo on the Petition Date was that Berkshire Bank was responsible to pay the expenses of the state court receiver, subject to its right to have these expenditures added to the amount of its secured indebtedness as provided in the state court orders, all as shown by

Exhibits A and B to its Motion, Berkshire Bank should have the same rights and obligations with respect to fees and expenses of any fiduciary appointed under any Order entered by this Court to preserve the status quo.

Dated at Rutland, Vermont: May 28, 2019

PETITIONING CREDITORS

Lakeland Bank, Dan Solaz, and Bobbi Resek

By: /s/ Jess T. Schwidde

Jess T. Schwidde, Esq.

Glinka & Schwidde

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**CERTIFICATE OF SERVICE**

I, Jess T. Schwidde, hereby certify the PETITIONING CREDITORS' STATEMENT OF NO OBJECTION TO BERKSHIRE BANK'S EMERGENCY MOTION UNDER 11 USC § 303(f) TO KEEP STATE COURT APPOINTED RECEIVER IN PLACE OR ALTERNATIVELY TO APPOINT INTERIM TRUSTEE, was sent electronically to the registered participants as identified on the Notice of Electronic Filing generated in connection with this document,

**And paper copies will be sent via US Mail to:**

Hermitage Inn Real Estate Holding Company, LLC  
PO Box 2210  
West Dover, VT 05356

Agent, James R. Barnes  
PO Box 2210  
West Dover, VT 05356

**And filed copies sent Via Email to:**

Agent, James R. Barnes [jbarnes@hermitageclub.com](mailto:jbarnes@hermitageclub.com)  
Debtor's Attorney Douglas S. Skalka NEUBERT, PEPE & MONTEITH, P.C. 195 Church Street, 13th Floor,  
New Haven, CT 06510 To: [DSkalka@npmlaw.com](mailto:DSkalka@npmlaw.com)  
Debtor's Attorney Robert M. Fisher, Esq. Fisher & Fisher PO Box 321 Brattleboro, VT 05302-0621  
(Attorney for Hermitage Inn Real Estate Holding Company, LLC in Berkshire Bank state court foreclosure case) To: [bob@fisherandfisherlaw.com](mailto:bob@fisherandfisherlaw.com)

Rutland, Vermont: May 28, 2019

PETITIONING CREDITORS  
Lakeland Bank, Dan Solaz, and Bobbi Resek  
By: /s/ Jess T. Schwidde  
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